

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**PETER KIEWIT SONS' INC. and  
KIEWIT CORPORATION,**

**Plaintiffs,**

**v.**

**ATSER, LP,**

**Defendant.**

**CASE NO. 8:08CV541**

**ORDER**

This matter is before the Court on its own motion, the Court having been advised of the discussion between counsel for the parties occurring in the presence of Magistrate Judge Thomas D. Thalken on March 5, 2009, regarding interim payment requests by ATSAR for the transfer of Licensed Software and accumulated historical data to Kiewit's server, and the parties' willingness to have Judge Thalken determine the reasonableness of the requests and rule on Kiewit's objections.

IT IS ORDERED that Paragraph 11 of the Court's Order of January 12, 2009 (Filing No. 31), is modified and Judge Thalken is authorized to receive evidence, hear argument, and issue Orders<sup>1</sup> determining the reasonableness of ATSAR's interim payment requests for the transfer of the Licensed Software and historical data to Kiewit's server, as well as the merits of Kiewit's objections filed in response to those payment requests.

DATED this 6<sup>th</sup> day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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<sup>1</sup>Any opposition to the Magistrate Judge's Orders will be in the form of an appeal filed in compliance with NECivR 72.2